

FEDERAL FISH AND WILDLIFE PERMIT



1. PERMITTEE

West Highlands Estates, L.P.
428 Jefferson Ave.
Charles Town, WV 92126
Phone: 304-876-9999
e-mail: westhighlands@aol.com

2. AUTHORITY-STATUTES

16 USC 1539(a)(1)(B)
REGULATIONS (Attached)
50 CFR §§ 13 & 17

3. NUMBER

TE0999199-0

4. RENEWABLE

YES
 NO

5. MAY COPY

YES
 NO

6. EFFECTIVE

5/30/2002

7. EXPIRES

5/30/2022

8. NAME AND TITLE OF PRINCIPAL OFFICER (if # 1 is a business)

9. TYPE OF PERMIT

ENDANGERED SPECIES INCIDENTAL TAKE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

The 200-acre property on south of Old Mill Road and east of Rte 15, Jefferson County, West Virginia.

11. CONDITIONS AND AUTHORIZATIONS:

- GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2, ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORDANCE WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW. THIS PERMIT DOES NOT WAIVE THE OBLIGATION TO ABIDE BY OTHER FOREIGN, STATE, LOCAL OR FEDERAL LAW IN CARRYING OUT AUTHORIZED ACTIVITIES.
- VALID FOR USE BY PERMITTEES NAMED ABOVE.
- ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE UNDERSTANDS AND AGREES TO ABIDE BY THE AGENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS@ (copy enclosed).

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON ATTACHED ALSO APPLY

12. REPORTING REQUIREMENTS

On October 1 in the year in which construction is completed.

ISSUED BY:

TITLE

DATE

REGIONAL DIRECTOR

5. The Permittee is authorized to "Take" (kill, harm, or harass) three pairs of Potomac Hills hedgehogs on the 200-acre property, incidental to activities necessary for the construction of the 110 lots in the West Highland Estates subdivision as described in the Permittee's application.
6. The ongoing agricultural operations will be limited to the current footprint of approximately 150-acres. The remainder of the property shall be maintained in its natural vegetational state until such time as the construction of the subdivision will commence.
7. Use of erosion control measures will be implemented as necessary to prevent soil erosion and run-off from the property. **During construction activities, open holes should be covered at dusk and inspected before resuming activity in the morning. If hedgehogs are present in the holes they should be removed by a permitted biologist and placed in the Shaughnessy Riparian area.**
8. West Highland Estates will provide notice and a current survey report to the Field Supervisor of the West Virginia Field Office, at least, 14 days prior to commencing development activities.
9. Within 60 days hedgerows will be placed along at least one side of the property. The hedgerow must be established using container plants of at least 3 feet in height.
10. West Highlands Estates or agricultural operator will provide an annual report to the Field Supervisor of the West Virginia Field Office on the status of the planting and maintenance of the hedgerows.
11. The Permittee shall avoid or minimize use of herbicides and pesticides. If these products are used at all, they must be applied in full compliance with label guidelines for dilution and application. If the Permittee determines that an insecticide or herbicide treatment must be used, she must avoid contamination of temporary ponds and other natural wetlands or bogs by limiting use of chemicals near them and by disposing of rinse water and empty containers in strict accordance with label directions.
12. The Permittee will inform the Service in writing upon completion of construction. Site development and construction activities shall occur before permit expiration. The Permittee's report will be submitted by October 1 of the year of construction completion to the U.S. Fish and Wildlife Service.
13. Conditions of the permit shall be binding on, and for the benefit of, the Permittee and her respective successors and assigns. If the permit requires an amendment because of change of ownership, the Service will process that amendment without the requirement of the Permittee preparing any new documents or providing any mitigation over and above that required in the original permit. The construction activities proposed or in progress under an original permit may not be interrupted provided the required special conditions of an issued permit are being followed.
14. If during the tenure of this permit the project design and/or the extent of the habitat impact described in the habitat conservation plan is altered, such that there may be an increase in the anticipated take of the Potomac Highlands hedgehog, the Permittee is required to contact the Service and obtain authorization and/or amendment of the permit before commencing any construction or other activities that might result in take beyond that described in the EA/HCP.
15. The authorization granted by the permit will be subject to full and complete compliance. The Permittee will be responsible for implementation of the EA/HCP for the Houston toad and all

specific conditions contained in this permit. Acceptance of a permit serves as evidence that the Permittee understands and agrees to abide by the terms of the permit and all applicable Sections of Title 50 of the Code of Federal Regulations Parts 13 and 17 pertinent to issued permits.

END OF PERMIT# TE-0999199-0